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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,684	03/29/2004	Nicolo F. Machi	H0006251-1055	2980
128	7590	09/26/2006	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/811,684	MACHI ET AL.	
	Examiner	Art Unit	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-29 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12 and 15 is/are rejected.
- 7) ☒ Claim(s) 13, 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,8,9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, applicant recites the base assembly module being interchangeable with a base assembly module whose circuitry is active and one whose circuitry is passive and it appears that applicant is intending to claim 3 distinct base assembly modules optionally interchangeable; yet in claim 8 applicant appears to repeat the active and passive circuitry of the optional (second and third) base assembly modules and since claim 8 is dependent on claim 1 it is unclear if the base assembly modules are additional to those recited in claim 1. The same applies to the base assembly modules recited in claim 9, which is also dependent on claim 1.
3. As best understood the following rejection applies.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-5,8,9,10-12,15 are rejected under 35 U.S.C. 102(e) as being anticipated by Worsdell et al (6,994,459).

3. With regards to claim 1 and applicant recites "the base module is interchangeable with a base assembly module whose electronic circuitry is active and a base assembly module whose electronic circuitry is passive", this recitation is considered to be functional language since the recitation only requires the capability to be interchangeable. Furthermore, as recited, it appears that the active and passive base assembly modules are optional elements not required by the instant invention since the base module is interchangeable as an option with the base modules of active and passive circuitry. Furthermore applicant has not disclosed how, with regards to structural limitations of the base assembly module, the base assembly module facilitates being interchangeable but only states that it is interchangeable. Finally, although applicant has stated that the device has a plurality of modular components and continues with referring to each component as modular, applicant has not disclosed any structural limitation with regards to the modular features of each modular device thus the term "modular" is considered to a matter of intended use of the components. As best understood the following rejection applies.

- Worsdell discloses a mounting module (6) having one or more solid-state light sources (27), a cut-off shield module that limits the light emitted by the solid-state light sources according to predetermined angular cut-off parameters (9), and a base assembly module including electronic circuitry that electrically

connects the solid-state light sources to a power source within the aircraft (5), wherein the modular components are configured so that the device is mountable within the wingtip of multiple types of aircraft without modifying the wingtip (col. 8 lines 8-15, Worsdell does not appear to modify the wingtip for installation of the device). With regards to the recitation of the base assembly module being interchangeable with a base assembly module whose electronic circuitry is active and a base assembly module whose electronic circuitry is passive and one that is active Worsdell discloses the light assembly as a replacement for existing lights on an aircraft or for fitting to a new aircraft and discloses base assembly 5 as providing a duct for routing electrical cables.

- A fastening mechanism configured to commonly fasten the mounting module to both the cut-off shield module and the wingtip (4, col. 8 lines 11-15, fig 3).
- The mounting module includes a heat sink (11, performs as a heat sink); a casting, wherein the heat sink comprises cooling fins incorporated in the casting of the mounting module (11,20, fig 4).
- With regards to claim 10, applicant discloses the components as modular but applicant has not disclosed any structural limitation with regards to the modular features of each modular device that would facilitate modular properties, thus the term "modular" is considered to be an intended use of the components. Worsdell discloses a plurality of modular components include a mounting module (6) having one or more solid state light sources (27), a cut off shield module that limits the light emitted by the solid state light sources according to predetermined

cut off parameters (9) and a base assembly module including electronic circuitry that electrically connects the solid state light source to a power source within the aircraft (5) wherein the modular components are configured so that the device is mountable within the wingtip of multiple types of aircraft without modifying the wingtip(4, col.8 lines 8-15 Worsdell does not appear to modify the wingtip for installation of the device).

- With regards to claim 15, it appears that the lighting device 1 as a whole, including mounting module (6) is compatible with multiple types of aircraft allowing the device to be mounted to the mounting platform of an aircraft's wing without retrofitting the device (col. 8 lines 5-7) since Worsdell makes no mention of modifying the wingtip to accommodate the device.

***Allowable Subject Matter***

4. Claims 16-29 are allowed.
5. Claims 13-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose the following limitations: The configuration of the lighting device as recited in claims 16 and 17, a clearance hole in the base assembly module.

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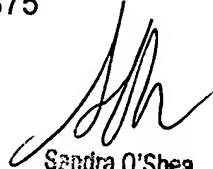
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



Sandra O'Shea  
Supervisory Patent Examiner  
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